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2222-CC09780 - PHILIP TAYLOR V SCHINDLER ELEVATOR CORPORATION (E-CASE)

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11/02/2022 ☐ Jury Trial Scheduled

Scheduled For: 09/18/2023; 9:00 AM ; MICHAEL FRANCIS STELZER; City of St. Louis

10/31/2022 ☐ Corporation Served

Document ID - 22-SMCC-13291; Served To - SCHINDLER ELEVATOR CORPORATION; Server - ; Served Date - 31-OCT-22; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

☐ [Certificate of Service](#)

Certificate of Service of Plaintiffs First Interrogatories and First Request for Production of Documents to Defendant; Electronic Filing Certificate of Service.

Filed By: KEVIN DONALD LANE

On Behalf Of: PHILIP TAYLOR

☐ [Notice of Service](#)

Affidavit of Service of Summons; Electronic Filing Certificate of Service.

Filed By: KEVIN DONALD LANE

10/28/2022 ☐ [Entry of Appearance Filed](#)

ENTRY OF APPEARANCE on behalf of Plaintiff Philip Taylor; Electronic Filing Certificate of Service.

Filed By: CLAYTON LAWRENCE DOWD

On Behalf Of: PHILIP TAYLOR

☐ [Summons Issued-Circuit](#)

Document ID: 22-SMCC-13291, for SCHINDLER ELEVATOR CORPORATION.

☐ [Motion Special Process Server](#)

Request for Appointment of Process Server.

Filed By: KEVIN DONALD LANE

On Behalf Of: PHILIP TAYLOR

☐ [Motion Filed](#)

Motion for Summons and Appointment of Special Process Server.

Filed By: KEVIN DONALD LANE

10/27/2022 ☐ Confid Filing Info Sheet Filed

Filed By: KEVIN DONALD LANE

☐ [Pet Filed in Circuit Ct](#)

Petition.

Filed By: KEVIN DONALD LANE

On Behalf Of: PHILIP TAYLOR

Exhibit

1

☐ Judge Assigned

Case.net Version 5.14.58

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Released 08/24/2022

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

PHILIP TAYLOR,)	
)	
<i>Plaintiff,</i>)	
)	Case No.
vs.)	
)	Division
SCHINDLER ELEVATOR CORPORATION,)	
Serve: CT Corporation System)	
120 S. Central Avenue)	
Clayton, Missouri 63105)	
)	
<i>Defendant.</i>)	

PETITION

PRODUCT LIABILITY

COMES NOW Plaintiff Philip Taylor and for Plaintiff's causes of action against Defendant Schindler Elevator Corporation states as follows:

PARTIES

1. Plaintiff Philip Taylor (hereinafter "Plaintiff") is a resident and citizen of St. Clair County, Illinois.
2. Defendant Schindler Elevator Corporation (hereinafter "Schindler" or "Defendant") is now and was at all times relevant to this action a corporation organized and existing under the laws of the State of Missouri, with its principal place of business located in the State of Missouri.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to §478.070 RSMo, which provides that the circuit courts of the State of Missouri have subject matter jurisdiction over all cases with the amount in dispute exceeding \$25,000.

4. This Court has personal jurisdiction over Defendant pursuant to §506.500 RSMo, because Defendant sold its elevators in the regular course of business in the State of Missouri. Defendant thereby committed tortious acts in the State of Missouri by distributing and selling a defective and unreasonably dangerous product in the State of Missouri.

5. Venue is proper for this action pursuant to §508.010.4 RSMo in that Plaintiff first sustained injury in the City of St. Louis, Missouri.

FACTS COMMON TO ALL COUNTS

6. On December 16, 2021, Plaintiff Philip Taylor entered the service elevator at the United States Postal Service building located at 1720 Market Street in the City of St. Louis. While Plaintiff was attempting to unload mail onto the service elevator, the door to the service elevator suddenly and without warning slammed down onto Plaintiff and crushed him between his tugger machine and the defective elevator door.

7. The service elevator was defective and unreasonably dangerous because the door slammed onto Plaintiff and crushed him while being used by Plaintiff in a manner reasonably anticipated by Defendant.

8. As a result of the service elevator's defective and unreasonably dangerous condition(s) and/or design, Defendant's service elevator, including but not limited to the door and its sensors, were defective and dangerous when it crushed Plaintiff.

9. Defendant designed, manufactured, sold, distributed, injected and/or placed the defective service elevator into the stream of commerce when it distributed and sold the defective service elevator to the United States Postal Service located in the City of St. Louis.

10. Defendant sold and distributed the defective service elevator in its regular course of its business.

11. As a direct and proximate result of Defendant's defective service elevator, Plaintiff was crushed by the elevator door causing the following injuries:

- a. A broken sternum;
- b. Broken ribs;
- c. Two fractured fingers on Plaintiff's right hand;
- d. A torn rotator cuff in Plaintiff's right shoulder;
- e. Difficult and painful breathing; and
- f. Pain, suffering and loss of enjoyment of life.

12. As a direct and proximate result of Defendant's defective service elevator, Plaintiff immediately underwent surgery on his broken hand and later underwent surgery on his broken sternum.

13. As a direct and proximate result of Defendant's defective service elevator, during Plaintiff's surgery on his sternum, Plaintiff sustained a rotator cuff tear in his right shoulder.

14. As a direct and proximate result of Defendant's defective service elevator, Plaintiff has sustained painful and permanent bodily injuries, including pain, suffering and loss of enjoyment of life.

COUNT I
DEFECTIVE PRODUCT – MANUFACTURING DEFECT
STRICT LIABILITY

15. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 14 of Plaintiff's Petition as if fully set forth herein.

16. Defendant designed, manufactured, sold, and/or distributed the service elevator to the United States Postal Service.

17. The service elevator sold to the United States Postal Service by Defendant was in a defective condition and was unreasonably dangerous when put to its reasonably anticipated use by Plaintiff.

18. At the time the United States Postal Service bought the service elevator, Defendant's elevator had a latent defect in that the elevator door could suddenly and without warning crash down on an elevator occupant, as described above.

19. As a direct and proximate result of Defendant's manufacturing defect, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

20. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby entitling Plaintiff to punitive damages to punish and deter Defendant and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

COUNT II
DEFECTIVE PRODUCT – MANUFACTURING DEFECT
NEGLIGENCE

21. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 20 of Plaintiff's Petition as if fully set forth herein.

22. Defendant designed, manufactured, sold, and/or distributed the elevator to the United States Postal Service.

23. At the time the United States Postal Service bought the service elevator, Defendant's elevator had a defect in that the elevator door could suddenly and without warning crash down on an elevator occupant, as described above.

24. Defendant owed Plaintiff a duty of ordinary care to manufacture and furnish the United States Postal Service with an elevator that was reasonably safe or warn of the risk of harm associated with the latent defect.

25. Defendant breached its duty of ordinary care to Plaintiff, and others similarly situated, to manufacture and inject into the stream of commerce a reasonably safe and functional elevator, or warn of the risk associated with the latent defect when Defendant injected the defective and unreasonably dangerous elevator into the stream of commerce without Plaintiff's knowledge of the latent defect.

26. Defendant knew, or by using ordinary care should have known, of the dangerous defect associated with the service elevator's door and/or sensors.

27. As a direct and proximate result of Defendant's negligence, Defendant's service elevator door crashed onto Plaintiff and crushed him between the tugger machine he was operating to load mail onto the elevator and the door. Plaintiff's use of the elevator as described above was reasonably anticipated.

28. As a direct and proximate result of Defendant's negligence, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

29. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby entitling Plaintiff to punitive damages to punish and deter Defendant and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

**COUNT III
FAILURE TO WARN – STRICT LIABILITY**

30. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 29 of Plaintiff's Petition as if fully set forth herein.

31. Defendant sold the service elevator to the United States Postal Service in the regular course of its business.

32. Plaintiff was using the service elevator for its reasonably anticipated use.

33. Defendant's service elevator was unreasonably dangerous in that Plaintiff was without knowledge of the elevator's characteristics, including the defective door and/or sensors.

34. Defendant did not give adequate warning of the danger posed by Defendant's unreasonably dangerous and defective elevator, including the defective door and/or sensors.

35. Plaintiff did not know of the specific danger posed by the service elevator when he used the elevator on December 16, 2021.

36. Had Defendant warned Plaintiff of this unreasonably dangerous condition that existed, Plaintiff would have heeded the Defendant's warning and not used the service elevator.

37. As a direct and proximate result of Defendant's failure to warn Plaintiff of this unreasonably dangerous defect that existed, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

38. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby

entitling Plaintiff to punitive damages to punish and deter Defendant and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

**COUNT IV
FAILURE TO WARN – NEGLIGENCE**

39. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 38 of Plaintiff's Petition as if fully set forth herein.

40. Defendant sold the service elevator to the United States Postal Service in the regular course of its business.

41. Defendant owed Plaintiff and others similarly situated a duty of ordinary care to furnish the United States Postal Service with an elevator that was not in a defective condition or unreasonably dangerous.

42. Defendant owed Plaintiff and others similarly situated a duty of ordinary care to warn of any latent defects that existed in relation to the service elevator's door and/or sensors.

43. Defendant had no reason to believe that Plaintiff and others similarly situated would realize the danger posed by the latent defect in the elevator's door and/or sensors.

44. Defendant knew, or by using ordinary care should have known, of the dangerous condition that existed in relation to the elevator's door and/or sensors.

45. Defendant breached its duty of ordinary care to furnish Plaintiff with a safe and functional service elevator when Defendant instead sold a defective and unreasonably dangerous elevator to the United States Postal Service and thereafter was used by Plaintiff.

46. Defendant breached its duty of ordinary care when it failed to warn Plaintiff of this latent defect.

47. Plaintiff was using the service elevator for its reasonably anticipated use.

48. Defendant's service elevator was unreasonably dangerous in that Plaintiff was without knowledge of the elevator's characteristics, including the defective door and/or sensors.

49. Defendant did not give adequate warning of the danger posed by Defendant's unreasonably dangerous and defective elevator, including the defective door and/or sensors.

50. Had Defendant warned Plaintiff of this unreasonably dangerous condition that existed, Plaintiff would have heeded the Defendant's warning and not used the elevator.

51. As a direct and proximate result of Defendant's failure to warn Plaintiff of this unreasonably dangerous defect that existed, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

52. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby entitling Plaintiff to punitive damages to punish and deter Defendant and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

COUNT V
DESIGN DEFECT – STRICT LIABILITY

53. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 52 of Plaintiff's Petition as if fully set forth herein.

54. Defendant designed the service elevator that was used by Plaintiff.

55. Upon information and belief, Defendant's design of the service elevator, its door and/or sensors was unreasonably dangerous.

56. Upon information and belief, the service elevator was defectively designed because the elevator door would suddenly and without warning fall.

57. As a direct and proximate result of Defendant's defective design, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

58. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby entitling Plaintiff to punitive damages to punish and deter Defendant's and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

**COUNT VI
DESIGN DEFECT – NEGLIGENCE**

59. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 58 of Plaintiff's Petition as if fully set forth herein.

60. Defendant designed the service elevator that was used by Plaintiff.

61. Defendant owed Plaintiff a duty of ordinary care to design the elevator, its door and the sensors without a defective condition or in a way that was not unreasonably dangerous.

62. Defendant had no reason to believe that Plaintiff would realize the danger posed by the latent defect in the elevator's door and/or sensors.

63. Defendant knew, or by using ordinary care should have known, of the dangerous condition that existed in relation to the elevator's door and/or sensors.

64. Defendant breached its duty of ordinary care by designing a service elevator that was in a defective condition or unreasonably dangerous.

65. Upon information and belief, the service elevator was defectively designed because the elevator door would suddenly and without warning fall.

66. As a direct and proximate result of Defendant's defective design, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

67. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby entitling Plaintiff to punitive damages to punish and deter Defendant and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

COUNT VII
NEGLIGENT SUPPLYING OF A DANGEROUS INSTRUMENTALITY

68. Plaintiff adopts and incorporates by reference each and every allegation contained in paragraphs 1 – 67 of Plaintiff's Petition as if fully set forth herein.

69. Defendant distributed and supplied the service elevator used by Plaintiff to the United States Postal Service in the stream of commerce.

70. Upon information and belief, the elevator was defectively designed because the elevator door would suddenly and without warning fall.

71. Plaintiff used the elevator in a reasonably expected use on December 16, 2021.

72. Defendant had no reason to believe that Plaintiff would realize the danger posed by the latent defect in the service elevator's door and/or sensors when Defendant supplied it to the United States Postal Service.

73. Defendant knew, or by using ordinary care should have known, of the dangerous condition that existed in relation to the service elevator's door and/or sensors.

74. Defendant failed to adequately warn Plaintiff of the danger posed by Defendant's unreasonably dangerous and defective elevator, including the defective door and/or sensors.

75. Defendant was thereby negligent for failing to warn Plaintiff of this dangerous and defective condition that existed in relation to the elevator's door and/or sensors and was negligent for supplying the service elevator to the United States Postal Service.

76. As a direct and proximate result of Defendant's negligently supplying a dangerous instrumentality to Plaintiff, Plaintiff has sustained painful and permanent bodily injuries as set forth in paragraphs 11 - 14.

77. Upon information and belief, Defendant's conduct manifested a gross and complete indifference to and a conscious disregard for the safety of others, including Plaintiff, thereby entitling Plaintiff to punitive damages to punish and deter Defendant's and others similarly situated from like conduct in the future.

WHEREFORE Plaintiff Philip Taylor prays judgment against Defendant in an amount in excess of \$25,000 for his actual damages, for his costs, for pre- and post-judgment interest, and for such other and further relief as the Court deems just and proper, the premises considered.

Respectfully submitted,

DOWD & DOWD, P.C.

DATED: October 27, 2022

BY: /s/ Kevin D. Lane

DOUGLAS P. DOWD #29240
KEVIN D. LANE #66027
CLAYTON L DOWD, #72772
211 North Broadway, Suite 4050
St. Louis, Missouri 63102
Phone: (314) 621-2500
Fax: (314) 621-2503
doug@dowdlaw.net
clayton@dowdlaw.net
kevin@dowdlaw.net

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

PHILIP TAYLOR,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 2222-CC09780
vs.)	
)	Division 1
SCHINDLER ELEVATOR CORPORATION,)	
)	
<i>Defendant.</i>)	

ENTRY OF APPEARANCE

COMES NOW Clayton L. Dowd of Dowd & Dowd, P.C. and hereby enters his appearance on behalf of Plaintiff Philip Taylor.

Respectfully Submitted,

DOWD & DOWD, P.C.

By: /s/ Clayton L. Dowd
CLAYTON L. DOWD (72772)
clayton@dowdlaw.net
211 North Broadway, 40th Floor
St. Louis, MO 63102
(314) 621-2500

Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 28, 2022, a copy of the foregoing was served via this Court's e-filing system on all counsel of record.

/s/ Clayton L. Dowd

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

PHILIP TAYLOR,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 2222-CC09780
vs.)	
)	Division 1
SCHINDLER ELEVATOR CORPORATION,)	
)	
)	
<i>Defendant.</i>)	

**PLAINTIFF’S MOTION FOR SUMMONS AND
APPOINTMENT OF SPECIAL PROCESS SERVER**

COMES NOW Plaintiff Philip Taylor and for Plaintiff’s Motion for Summons and Appointment of Special Process Server states as follows:

1. Plaintiff filed Plaintiff’s Petition on October 27, 2022.
2. Plaintiff respectfully requests the Clerk of the Court issue a summons for service

upon Defendant Schindler Elevator Corporation at the following address:

Schindler Elevator Corporation
Registered Agent: CT Corporation System
120 S. Central Avenue
Clayton, Missouri 63105

3. Additionally, Plaintiff respectfully requests that the following persons be appointed special process servers to serve Defendant at the address above:

Pam King Wheatley
Christian Seldon
MOPS/ Missouri Process Serving LLC
1430 Washington Ave Ste 220
St. Louis, MO 63103

4. Plaintiff’s Request for Appointment of Special Process Server form is filed herewith.

WHEREFORE, Plaintiff respectfully moves this Honorable Court make and enter its Order granting Plaintiff's Motion for Summons and Appointment of a Special Process Server and for such other and further relief as the Court may deem just and proper, the premises considered.

Respectfully submitted,

DOWD & DOWD, P.C.

DATED: October 28, 2022

BY: /s/ Kevin D. Lane
DOUGLAS P. DOWD #29240
KEVIN D. LANE #66027
CLAYTON L DOWD, #72772
211 North Broadway, Suite 4050
St. Louis, Missouri 63102
Phone: (314) 621-2500
Fax: (314) 621-2503
doug@dowdlaw.net
clayton@dowdlaw.net
kevin@dowdlaw.net

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing were served this 28th day of October 2022, via the Court's electronic filing system on all attorneys of record.

/s/Kevin D. Lane
KEVIN D. LANE

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

Philip Taylor

Plaintiff/Petitioner

10/28/2022

Date

vs.

2222-CC09780

Case number

Schindler Elevator Corporation

Defendant/Respondent

1

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant

Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of
 Pam King Wheelley 1430 Washington Ave Ste 220, St. Louis, MO 63103

314-825-5512

Name of Process Server

Address

Telephone

Christian Seldon

1430 Washington Ave Ste 220, St. Louis, MO 63103

314-825-5512

Name of Process Server

Address

Telephone

Name of Process Server

Address

Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

Schindler Elevator Corporation

Name

c/o CT Corporation System, 120 S. Central Ave

Address

Clayton, MO 63105

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By

Deputy Clerk

Date

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Kevin D. Lane

Attorney/Plaintiff/Petitioner
 66027

Bar No.

211 N Broadway, Ste 4050, St. Louis MO 63102

Address

314-621-2500

Phone No.

RULE 14 SPECIAL PROCESS SERVERS

1. Any person appointed by the Court or the Circuit Clerk to serve process must have a license issued pursuant to this rule to serve process.
2. Licenses to serve process shall be issued by the Sheriff of the City of St. Louis if the applicant has met the following qualifications:
 - a. Is twenty-one years of age or older;
 - b. Has a high school diploma or an equivalent level of education;
 - c. Has insurance coverage for any errors or omissions occurring in the service of process;
 - d. Has not been convicted, pleaded guilty to or been found guilty of any felony, or of any misdemeanor involving moral turpitude; and,
 - e. Has passed a training course for the service of process which shall be administered by the Sheriff of the City of St. Louis.
3. Each applicant for a process server license under the provisions of this rule shall provide an affidavit setting forth such person's legal name, current address, any other occupations and current telephone numbers. Licensed process servers shall immediately notify the Sheriff of the City of St. Louis of any change in the above information, and the failure to do so shall constitute good cause for the revocation of such person's license.
4. The Sheriff of the City of St. Louis shall maintain a list of persons licensed to serve process pursuant to this rule, and shall make such list available to litigants upon request.
5. A photo identification card designed by the Sheriff of the City of St. Louis shall be issued in addition to the license. No other identification will be allowed. All licenses must be signed and approved by the Sheriff of the City of St. Louis and the Presiding Judge or his designee.
6. A license fee recommended by the Sheriff and approved by the Court En Banc shall be charged to cover the costs of compiling and maintaining the list of process servers and for the training of such process servers. The license fees shall be made payable to the Sheriff of the City of St. Louis.

7. A license for service of process issued under this rule may be revoked by the Sheriff with the approval of the Presiding Judge or his designee, for any of the following reasons:

- a. Misrepresentation of duty or authority;
- b. Conviction, guilty plea or finding of guilty of any state or federal felony, or a misdemeanor involving moral turpitude;
- c. Improper use of the license;
- d. Making a false return; or
- e. Any other good cause.

Provided, no service of process made by an appointed process server with a revoked license shall be void if the Court or Circuit Clerk made the appointment in good faith without knowledge of the license revocation.

8. Any person authorized to serve process may carry a concealed firearm as allowed by Section 506.145, RSMo, only while actually engaged in the service of process and only if the person has passed a firearms qualification test approved by a law enforcement agency; provided, however, that any licensed special process server may file a written waiver of the right to carry a concealed firearm and thereby avoid the requirements of firearm training and testing. Any violation of this section shall be considered beyond the scope of the privilege to carry a concealed weapon that is granted by the appointment, and shall constitute good cause for the revocation of the license.
9. Applications for the appointment of a special process server shall be made on forms available in the offices of the Sheriff and Circuit Clerk. Orders Appointing special process servers may list more than one licensed server as alternatives.
10. The licenses granted pursuant to this rule shall be good for two years. Each person granted a license shall be required to reapply at the expiration of the license and shall be required to provide all the information required in the initial application, including a current police record check.

(Approved 9/28/92; amended 11/23/92; 5/31/95; 12/17/07)

In the
CIRCUIT COURT
 City of St. Louis, Missouri



For File Stamp Only

Philip Taylor

Plaintiff/Petitioner

10/28/2022

Date

vs.

2222-CC09780

Case number

Schindler Elevator Corporation

Defendant/Respondent

1

Division

REQUEST FOR APPOINTMENT OF PROCESS SERVER

Comes now Plaintiff, pursuant

Requesting Party

to Local Rule 14, requests the appointment by the Circuit Clerk of
 Pam King Wheatley 1430 Washington Ave Ste 220, St. Louis, MO 63103

314-825-5512

Name of Process Server

Address

Telephone

Christian Seldon

1430 Washington Ave Ste 220, St. Louis, MO 63103

314-825-5512

Name of Process Server

Address

Telephone

Name of Process Server

Address

Telephone

to serve the summons and petition in this cause on the below named parties.

SERVE:

Schindler Elevator Corporation

Name

c/o CT Corporation System, 120 S. Central Ave

Address

Clayton, MO 63105

City/State/Zip

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

SERVE:

Name

Address

City/State/Zip

Appointed as requested:

TOM KLOEPPINGER, Circuit Clerk

By *McMullen*
 Deputy Clerk
 Date *10/28/2022*

Kevin D. Lane

Attorney/Plaintiff/Petitioner
 66027

Bar No.

211 N Broadway, Ste 4050, St. Louis MO 63102

Address

314-621-2500

Phone No.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL FRANCIS STELZER	Case Number: 2222-CC09780	Special Process Server 1 P KING WHEETLEY
Plaintiff/Petitioner: PHILIP TAYLOR	Plaintiff's/Petitioner's Attorney/Address KEVIN DONALD LANE 211 NORTH BROADWAY SUITE 4050 ST. LOUIS, MO 63102	Special Process Server 2 C SELDON
Defendant/Respondent: SCHINDLER ELEVATOR CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101 Please see the attached information for appearing via WebEx. WebEx connection information may also be found at http://www.stlcircuitcourt.com/	
Nature of Suit: CC Pers Injury-Prod Liab		(Date File Stamp)

Summons in Civil Case

The State of Missouri to: SCHINDLER ELEVATOR CORPORATION

Alias:

CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

SPECIAL PROCESS SERVER

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

***Due to COVID19 challenges, virtual appearances by Webex.com are also required until further order of this Court. ***

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

October 28, 2022

Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
☐ (for service on a corporation) delivering a copy of the summons and petition to: _____ (name) _____ (title).
☐ other: _____

Served at _____ (address)
 in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00 _____

Mileage \$ _____ (_____ miles @ \$._____ per mile)

Total \$ _____

A copy of the summons and petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: MICHAEL FRANCIS STELZER	Case Number: 2222-CC09780	Special Process Server 1 P KING WHEETLEY
Plaintiff/Petitioner: PHILIP TAYLOR	Plaintiff's/Petitioner's Attorney/Address KEVIN DONALD LANE 211 NORTH BROADWAY SUITE 4050 ST. LOUIS, MO 63102	Special Process Server 2 C SELDON
Defendant/Respondent: SCHINDLER ELEVATOR CORPORATION	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
Nature of Suit: CC Pers Injury-Prod Liab	Please see the attached information for appearing via WebEx. WebEx connection information may also be found at http://www.stlcitycircuitcourt.com/	

Summons in Civil Case

The State of Missouri to: SCHINDLER ELEVATOR CORPORATION

Alias:

CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105

SPECIAL PROCESS SERVER

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

***Due to COVID19 challenges, virtual appearances by Webex.com are also required until further order of this Court. ***

If you have a disability requiring special assistance for your court appearance, please contact the court at least 48 hours in advance of scheduled hearing.

October 28, 2022

Date

Clerk

Further Information: Plaintiff's First Set of Interrogatories and First Request for Production served with Petition

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above Summons by: (check one)

- ☐ delivering a copy of the summons and petition to the defendant/respondent.
☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with

☐ (for service on a corporation) delivering a copy of the summons and petition to:

_____, a person at least 18 years of age residing therein.
 _____ (name) _____ (title).

☐ other: _____

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

AFFIDAVIT OF SERVICE

Case: 2222-CC09780	Court: 21ST JUDICIAL CIRCUIT COURT	County: ST LOUIS, MO	Job: 7881356
Plaintiff / Petitioner: PHILIP TAYLOR		Defendant / Respondent: SCHINDLER ELEVATOR CORPORATION	
Received by: MOPS, LLC		For: DOWD & DOWD P.C.	
To be served upon: SCHINDLER ELEVATOR CORPORATION C/O CT CORP			

I, PAM KING WHEETLEY, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the State where service was effected, I was authorized by law to make service of the documents and informed the said person of the contents herein.

I have served the attached documents by:

___ delivering a copy of the service documents to the Defendant.

___ leaving a copy of the service documents at the dwelling place or usual abode of the Defendant with the person identified below, who is a person over the age of 15 years.

X (for service on a corporation) delivering a copy of the service documents to the person identified below.

___ Documents could not be served due to lack of contact with the subject.

SERVED IN ST LOUIS COUNTY AND IN THE STATE OF MO

Recipient Name / Address: SCHINDLER ELEVATOR CORPORATION C/O CT CORP TAMEKA DAVIS, COMPANY: 120 S. CENTRAL STE 400, CLAYTON, MO 63105

Manner of Service: Authorized, Oct 31, 2022, 9:43 am CDT

GPS Coordinates: 38.647916971599535, -90.33724030651811 1666808591309

Documents: SUMMONS; PETITION; PLAINTIFF'S FIRST INTERROGATORIES TO DEFENDANT SCHINDLER ELEVATOR CORPORATION; PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS; THUMB DRIVE (Received Oct 28, 2022 at 5:00pm CDT)

Additional Comments:

1) Successful Attempt: Oct 31, 2022, 9:43 am CDT at COMPANY: 120 S. CENTRAL STE 400, CLAYTON, MO 63105 received by SCHINDLER ELEVATOR CORPORATION C/O CT CORP TAMEKA DAVIS. Age: 40'S; Ethnicity: African American; Gender: Female; Weight: 140; Height: 5'7"; Hair: Black; Eyes: Brown;

Pam King Wheetley 10/31/22
Date

PAM KING WHEETLEY
PROCESS SERVER, IL PERC - 129396357,
ST LOUIS CITY PROCESS SERVER ID #
650, KCMO 16TH DISTRICT PPS 22-05636

MOPS, LLC
1430 Washington Ave Suite 220
St Louis, MO 63103
314-520-3590

Subscribed and sworn to before me by the affiant who is personally known to me.

Alicia M. Irvin
Notary Public
10-31-22 7-5-24
Date Commission Expires

ALICIA M. IRVIN
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis City
My Commission Expires: July 05, 2024
Commission Number: 20647986

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

PHILIP TAYLOR,)	
)	
<i>Plaintiff,</i>)	
)	Case No. 2222-CC09780
vs.)	
)	Division 1
SCHINDLER ELEVATOR CORPORATION,)	
)	
)	
<i>Defendant.</i>)	

CERTIFICATE OF SERVICE

COMES NOW Plaintiff Philip Taylor and hereby certifies that on October 31, 2022, copies of Plaintiff's First Request for Production of Documents Directed to Defendant Schindler Elevator Corporation and Plaintiff's First Interrogatories to Defendant Schindler Elevator Corporation were served via personal service by a special process server upon Defendant Schindler Elevator Corporation's registered agent. Electronic copies of the discovery requests in Microsoft Word format were provided on a thumb drive.

Respectfully submitted,

DOWD & DOWD, P.C.

DATED: October 31, 2022

BY: /s/ Kevin D. Lane
DOUGLAS P. DOWD #29240
KEVIN D. LANE #66027
CLAYTON L DOWD, #72772
211 North Broadway, Suite 4050
St. Louis, Missouri 63102
Phone: (314) 621-2500
Fax: (314) 621-2503
doug@dowdlaw.net
clayton@dowdlaw.net
kevin@dowdlaw.net

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing were served this 31st day of October 2022, via the Court's electronic filing system on all attorneys of record.

/s/Kevin D. Lane
KEVIN D. LANE